

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BECKLEY**

**MIRANDA DAWN SMITH, on behalf of
the ESTATE OF ALVIS RAY
SHREWSBURY,**

Plaintiff,

v.

**Civil Action No. 5:23-cv-00210
Honorable Frank W. Volk**

**WEST VIRGINIA DIVISION OF
CORRECTIONS AND
REHABILITATION, et al.,**

Defendants.

**WVDCR DEFENDANTS' MOTION TO STRIKE OPINIONS/TESTIMONY
OF EDNA WONG MCKINSTRY, MD, FACP, PURSUANT TO
RULE 37 OF THE FEDERAL RULES OF CIVIL PROCEDURE**

COMES NOW, Defendants West Virginia Division of Corrections and Rehabilitation, Aaron Johnson, Jonah Radosevich, Ashley Toney and Nicholas Burton (collectively "WVDCR Defendants"), by their counsel, the law firm of BAILEY & WYANT, P.L.L.C., William E. Murray, John P. Fuller and David L. Shuman, Jr., and for reasons more fully supported in Defendants' Memorandum of Law filed in support contemporaneously herewith, move this Honorable Court for entry of an Order granting Defendants' Motion to Strike Opinions/Testimony of Edna Wong McKinstry, MD, FACP, Pursuant to Rule 37 of the Federal Rules of Civil Procedure.

**WEST VIRGINIA DIVISION OF
CORRECTIONS AND
REHABILITATION, AARON JOHNSON,
JONAH RADOSEVICH, ASHLEY TONEY
and NICHOLAS BURTON,
By Counsel,**

/s/ John P. Fuller

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John P. Fuller (WV Bar #9116)

David L. Shuman, Jr. (WV Bar #12104)

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of foregoing **WVDCR DEFENDANTS' MOTION TO STRIKE OPINIONS/TESTIMONY OF EDNA WONG MCKINSTRY, MD, FACP, PURSUANT TO RULE 37 OF THE FEDERAL RULES OF CIVIL PROCEDURE** was served upon the following parties through the Court's Electronic Case Filing (ECF) system on this day, September 24, 2024:

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/s/ John P. Fuller

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